

SEP 15 2006

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
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MARSHALL SHELTON, JR.,  
Plaintiff,

v.

ALBEMARLE CHARLOTTESVILLE  
REGIONAL JAIL AUTHORITY, et al.,  
Defendants.

)  
) Civil Action No. 7:06cv00528  
)

) MEMORANDUM OPINION  
) & ORDER  
)

)  
)  
) By: Samuel G. Wilson  
) United States District Judge  
)

Plaintiff, Marshall Shelton, Jr., brings this action pursuant to 42 U.S.C. § 1983. Shelton alleges that, while in protective custody at Albemarle Charlottesville Nelson Regional Jail, prison guards allowed other inmates to enter into the secured location where he was held, feces and "other stuff" were thrown in his face, and that he was "almost stabbed." Shelton requests a declaratory judgment that defendants' acts, policies, and practices with regard to protective custody in the jail violated his rights under the United States Constitution. Shelton also requests both preliminary and permanent injunctions (a) prohibiting defendants from "denying plaintiff the protection he needed" and (b) requiring defendants to submit a new list of proposed procedures and criteria for regulations governing protective custody procedures in the jail.<sup>1</sup> Shelton is no longer incarcerated at Albemarle Charlottesville Nelson Regional Jail, but instead is housed at Sussex II State Prison.

Claims for injunctive and declaratory relief become moot when a prisoner is no longer subjected to the condition complained of. Williams v. Griffin, 952 F.2d 820, 823 (4th Cir. 1991); Ross v. Reed, 719 F.2d 689, 693 (4th Cir. 1983). As Shelton has been transferred to Sussex II

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<sup>1</sup> In his complaint, Shelton also seeks monetary damages in the amount of \$1.75 million. These claims for monetary damages may go forward provided he complies with the conditions set forth in a separate conditional filing order.

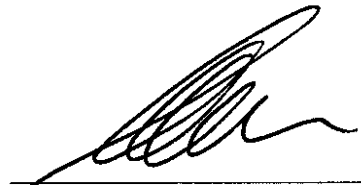
State Prison, he is no longer subjected to the conditions he complained of in this action, therefore his claims for declaratory and injunctive relief are moot. As such, it is hereby

**ORDERED**

that Plaintiff's requests for a declaratory judgment as well as preliminary and permanent injunctive relief shall be and hereby are **DENIED**.

The Clerk of the Court is directed to send a certified copy of this Memorandum Opinion & Order to Plaintiff.

ENTER: This 15<sup>th</sup> of September, 2006.

  
\_\_\_\_\_  
United States District Judge